

SIKKIM

GOVERNMENT



GAZETTE

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No. 479

GOVERNMENT OF SIKKIM
EXCISE (ABKARI) DEPARTMENT
GANGTOK

No.4/Ex (Abk)

Dated: 26/8/2013

NOTIFICATION

In exercise of the powers conferred by clause (j) of section 77 read with section 27 of the Sikkim Excise Act 1992 (2 of 1992) the State Government hereby makes the following rules further to amend the Sikkim Excise (Licensing for Foreign Liquor Bar Shop) Rules, 2005, namely:-

- | | | |
|---|----|--|
| Short title, extent and commencement | 1. | (1) These rules may be called the Sikkim Excise (Licensing for Foreign Liquor Bar Shop) Amendment Rules, 2013
(2) They shall extend to the whole of Sikkim
(3) They shall come into force on the date of their publication in the Official Gazette. |
| Amendment of rule 5 | 2. | In the Sikkim Excise (Licensing for Foreign Liquor Bar Shop) Rules, 2005 (hereinafter referred to as the said rules) in rule 5, after the words, "The Excise License", the words and figures "in Form V and V A", shall be inserted. |
| Amendment of rule 20 | 3. | In the said rules, in clause (a) of rule 20, the following shall be added, namely:-
"However the bar shop at Casino in star hotels shall be exempted for closure on the notified dry days declared by the State Government subject to closure of the Bar shop at Casino at any time and at any period on the instruction of the State Government in public interest. Further, the licensee shall pay Rs. 5000/- per day for operating on dry days". |
| Insertion of Form V and VA | 4. | In the said rules, after Form 'IV', the following Forms shall be inserted, namely:- |

**"GOVERNMENT OF SIKKIM
EXCISE (ABKARI) DEPARTMENT
FORM V
(See rule 5)**

**BAR LICENCE FOR RETAIL VEND OF
IMFL/SMFL/ OVERSEAS FOREIGN LIQUOR/ BEER
IN HOTEL/ RESTAURANT**

License No _____/Bar/Ex (Abk) 20 _____

Locality of the Shop _____

District _____

License is hereby granted under the
provision of the Sikkim Excise Act 1992 and the
rules, regulations and orders made thereunder:-

To _____

S/O _____

Resident of _____

District _____

(hereinafter called the licensee) on payment of annual fee of Rs. _____ vide challan

No. _____ dated _____ and a deposit of Rs.

_____ (Rupees _____) only vide FDR NO.

_____ dated _____ in advance as security deposit for a period

of 4 (four) years i.e. from 1st April 20 _____ to 31st March 20 _____ subject to renewal
every year.

It is authorized by the undersigned to open a bar for the sale of Indian Made Foreign Liquor /
Sikkim Made Foreign Liquor/ Overseas Foreign Liquor /Liqueurs in Peg system and Beer in Bottle and
it is required for the licensee that he shall be abide by the following terms and conditions:-

1. That the licensee shall constantly fix up signboard at the Bar Counter for his/her shop having
the following inscription in English and vernacular language:-
Year: _____
Attach with the board issued by UD& HD Department
Name of licensee _____
License No _____
Location _____
Licensed to sale _____
Time and hour of sale 11 am to 11 pm
2. That the licensee shall not sublet his/ her shop or transfer his/her license or allow any person
to sell liquor under this license unless the name of such person have been previously registered
as salesman in the Excise office.

3. That the licensee shall produce for inspection on demand by the Excise officer of and above the rank of Asstt. Sub-Inspector, his/her license and Accounts and that he/she shall not prevent any Excise Officer/ official of whatever grade from entering his /her shop at any hour of the day or night.
4. That if required to do so by the State Government on account of proximity of the troops or for other emergent reason, the licensee shall close his/her shop and keep it closed for so long as he/she may be directed.
5. That the licensee shall abide by the Notifications and Circulars issued by the Government from time to time.
6. That the licensee shall not keep Bar Counter open during Panchayat Election and General Election or Bye Election i.e. on the day of poll and two days immediately preceding the day of poll or as prescribed by the Excise Commissioner.
7. That the licensee shall not permit consumption of liquor brought from Retail Vendor in his/her premises of the shop.
8. That the licensee shall display the stock of liquor in the showcase fixed behind the Bar Counter only and shall keep in the store during the dry days. The liquor displayed in the showcase shall not be visible from outside.
9. That the licensee shall not sell, transfer or sublet his right of selling Liquor/Liqueurs conferred open him/her by this license nor shall he in connection with the said right enter into any agreement or arrangement which is of the nature of a sub-lease. If any question arises whether any agreement or arrangement is of the nature of a sub-lease, the decision of the Commissioner Excise (Abk) Department on such question shall be final and binding on the licensee.
10. That the licensee shall keep a regular and correct daily account in the prescribed form of all the sales and have it at all time ready for inspection by the officer of the Excise Department to whom he periodically render account of his sale by the first week of the following month. The account book shall be page numbered and got sealed with the seal of the Excise office and is to be kept in the licensed premises showing position: sale of each brand o liquors every day.
11. That the licensee shall abide by the conditions of this license and the provisions of the Sikkim Excise Act 1992 (as amended) and the rules, regulations order and Notification, circulars, made and issued by the undersigned and shall give an undertaking to that effect.
12. That the licensee shall open the shop within 7 (seven) days from the date of the receipt of the settlement order and shall not keep the shop closed any day without the prior permission of by the Commissioner of Excise.
13. That the licensee shall not adulterate or deteriorate the liquor sold by him/her or the same knowing to have been adulterated and sold or permit to be sold in the Bar any spirituous liquors in adulterated condition.
14. That the licensee shall not keep or sale 375 ml and 180 ml bottles of any kind of liquor /liqueurs in the Bar.
15. That the licensee shall keep the license in good condition and if lost or damaged request for duplicate copy shall be made after depositing Rs. 50/- per copy in the State Bank of Sikkim and producing the Bank Receipt.
16. The infringement of any of the above conditions or provisions of the Sikkim Excise Act 1992 will render him/her liable to such penalties as the State Government may deem proper including forfeiture of the security deposit or to a fine prescribed by law or with both for any of the offence which he may commit and may black listed for working as Excise vendors or salesman in future.
17. The licensee, his/her heirs, legal representative or assignees shall have no claims whatsoever to the continuance or renewal of this license, after expiry of the period for which it is granted. It shall be entirely within the discretion of the Commissioner of Excise (Abk) to permit or not to

permit, continuance of the license. In case of death of the licensee, the heir or legal representative of the licensee, shall have the benefit of being the licensee for the unexpired period of the terms for which it is granted.

18. In case this license is cancelled or suspended, during the currency of the licensed period or is not renewed within 1 (one) month of the expiry of the license, the licensee shall surrender the whole stock of unsold liquors forthwith to the Commissioner Excise. The stock of liquors, so surrendered shall be sold by the Commissioner and the proceeds of the sale shall after deducting expenses and any sum due to the State Government be returned to the licensee.
19. That the licensee shall not keep show case in front of the shop and should not be visible from the outside.
20. That the licensee shall display the board which will be easily visible at the back side of the Counter and the size of the board is to be 12"X6" where "DRY DAY" will be written on one side and "Timing 11 AM to 11 PM" is to be written on the other.
21. That the State Government reserves the right to suspend/cancel the license at any time in accordance with the provisions of the Sikkim Excise Act 1992 or rules and regulation, order, circular made and issued from time to time thereunder.

Gangtok (Sikkim)

The _____ 20 _____

(SEAL)

FORM V-A
(See rule 5)
CASINO BAR LICENSE

License No. _____ **/Casino Bar/Excise (Abkari)/20** _____

Casino Bar License is hereby granted under the provision of the Sikkim Excise Act, 1992 to _____ located at _____ under Police Station _____, _____ District, Sikkim (Hereinafter called the Licensee) on payment of Rs _____ (Rupees _____) only vide challan No _____ date _____ as Security Deposit (refundable but not interest bearing) for a period of 4 (four) years i.e. from 1st April 20 _____ to 31st March 20 _____ to sell Indian Made Foreign Liquor/Beer/Overseas Foreign Liquor and subject to Rules, Regulation and Orders made there under from time to time. The Licensee shall apply for renewal of the License every year within the first week of April and duly pay the prescribed annual fee.

1. The Licensee shall strictly adhere to the provisions of the Sikkim Excise Act 1992 including the following:-
 - (i) The Licensee shall operate the Casino Bar in Star Hotels from 6.00 PM to 4 AM only. The Licensee is exempted from closure of bar on notified Dry Day/s in the State subject to closure of the bar at any time and for any period on the instruction of Government of Sikkim in Public Interest. Further, the licensee shall pay Rs. 5000/- per day for operating on Government notified "Dry Days".
 - (ii) The Licensee shall sell only Indian Made Foreign Liquor/Beer/Overseas Foreign Liquor registered by the Excise (Abk) Department within the premises of the Casino Bar and not in any area outside it.
 - (iii) The Licensee shall not sell or serve alcohol in any form or manner to persons/ below the age of 18 (eighteen) years.
 - (iv) The Licensee shall maintain Daily Account/s in the prescribed Form of all sales of Indian Made Foreign Liquor/Beer/Overseas Foreign Liquor in the Casino Bar. The Account Book shall be page numbered and authenticated with the seal of the Excise (Abkari) Department and is to be kept in the licensed premises and inter alia show sales in terms of Rupees and quantity including the closing balance
 - (v) The Licensee shall render such Account/s to the Commissioner, Excise (Abkari) Department, Government of Sikkim, Gangtok in the prescribed Form by the Seventh day of the succeeding month. In the event the seventh day of the month concerned is a holiday/ declared a holiday, the immediate next working day will be reckoned as the last date for submission of the Accounts.
 - (vi) The Licensee shall at all times have such Accounts and Casino Bar License ready for inspection by the Commissioner, Excise Department (Abkari), Government of Sikkim, Gangtok or any such Officer authorized by the Commissioner for the purpose.
 - (vii) That the licensee shall produce for inspection on demand by the Excise officer of and above the rank of Asstt. Sub-Inspector, his/her license and Accounts and that he/she shall not prevent any Excise Officer/ official of whatever grade from entering his /her shop at any hour of the day or night.

- (ix) The Licensee shall close the Casino Bar on Counting date/s on account of Panchayat/ Local Body Elections, General/Assembly Elections, Bye Elections and also on two days immediately succeeding the day of such counting date/s or as prescribed by the Excise Commissioner on this regard.
- (x) The licensee shall also close the Casino Bar if required to do so by the Government of Sikkim for such period as may be directed in public interest from time to time.
- (xi) The Licensee shall display the stock of liquor in the showcase fixed behind the Bar Counter only and not anywhere else in the Bar premises.
- (xii) The stock of liquor displayed in the showcase behind the Bar Counter shall not be visible from outside the Bar premises and also from the public road/street.
- (xiii) The Licensee shall store the stock of liquor in the storeroom during dry days.
2. The infringement of any of the above conditions or provisions of the Sikkim Excise Act, 1992 shall render the Licensee liable to such penalties as State Government may deem proper to impose including cancellation of the License and forfeiture of Security Deposit or a fine prescribed by law or with both.
3. The Licensee, heirs, legal representative or assignees shall have no claim whatsoever to the continuance or renewal of this License after expiry of the period for which it is granted. It shall be entirely within the discretion of the Commissioner of Excise to permit or not to permit continuance of the License. In case of death of the Licensee, the heir or legal representative of the licensee shall have the benefit to being the Licensee for the unexpired portion of the term for which it is granted.
- In case this License is cancelled or suspended during the currency of the licensed period or is not renewed within one month of the expiry of the licensed period, the Licensee shall liquidated the remaining stock within 15 (fifteen) days and submit the report to the Commissioner, Excise.
4. That the Government of Sikkim reserves the right to suspend/cancel the License at any time in accordance with the provisions of the Sikkim Excise Act 1992, or Rules and Regulation, Order, Circular made and issued from time to time thereunder.

Commissioner"
Excise (Abkari)

Place:
Seal:

A.K. Yadav IAS
Principal Secretary
Excise (Abkari) Department
Government of Sikkim, Gangtok